(68)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Writ Petition No.4514 of 2006

PETITIONERS

1. Aivez Kumar Dewangan, s/o Phul Singh, aged 32 years, R/o. Trimurty Nagar Ward No.5, Birgaon, Up-Tehsil Dharsiwa, Tehsil Raipur (C.G.)
2. Yogendra Solanki, aged about 44 years, son of Late Shri Ratan Lal Solanki, R/o. Ravabhata Birgaon, Distt. Raipur (CG)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through the Secretary Revenue, D.K.S. Bhawan, Raipur (C.G.)
2. Om Prakash Dewangan, son of Shri Kanhiya Lal Dewangan, aged 37 years, President Nagar Pnachayat, Birgaon, Distt. Raipur (C.G.)
3. Jugal Kishore Devangan, aged 27 years, son of Saligram Dewangan, R/o. village Sakri (Kharora), Distt. Raipur (C.G.)
4. Collector, Raipur Distt. Raipur (C.G.)
5. Additional Tehsildar, Dharsiwan, Distt. Raipur (C.G.)
6. Nagar Palika Parishad, Birgaon, through its Chief Municipal Officer, Nagar Palika Parishad, Birgaon, Tehsil Dhariswan, Distt. Raipur (C.G.)
7. State Election Commissioner, through Chief Election Officer, Raipur (C.G.)

Present: Dr. N.K. Shukla, learned Sr. Adv. with Ms. Ritu Mishra, learned counsel for the petitioners.
Shri Prashant Mishra, learned Additional Adv. General with Shri Utkarsh Verma, learned Dy. G.A. for the State.

ORAL ORDER

(Passed on 24th August, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ .

In this PIL, the complaint of the petitioners, who are the residents of Ravanbhata, Birgaon, is that the 2nd respondent is misusing his position as the President of Nagar Panchayat, Bargaon, and he highhandedly encroached the subject land which is said to be a Government land and is trying to put up construction despite the direction issued by the 5th respondent not to do so. This allegation made by the petitioner is squarely denied by the 2nd respondent in Annexure P/3, a copy of which is produced at page 15 of the material papers. Be that as it may, we think that the ends of justice would be met by directing the respondents-State Authorities to find out whether the 2nd respondent has encroached the Government land and is trying to put up construction thereon and if they find the allegation made by the petitioners is correct, then, to take appropriate, prompt and corrective measures to safeguard the public property. In that view of the matter, we dispose of the writ petition directing the official respondents-State Authorities to find out whether the allegation made by the petitioners against the 2nd respondent is justified and if it is so, then, to take immediate remedial measures, in accordance with law, to protect the subject Government land. No costs.

(2) It is open for the petitioners to seek refund of security deposit made in this Court on the basis of the finding of the respondents-State Authorities as directed above.

Sd/-
Chief Justice

Sd/-
D.R. Deshmukh
Judge